

Application No. 10/570,346
AMENDMENT dated May 12, 2008
Reply to Office Action of February 11, 2008

REMARKS

After entry of the present amendment, claim 3 is pending. Claims 1 and 4-12 were withdrawn as being elected to a non-elected invention and claim 2 is presently cancelled. Applicants have amended claim 3 to clarify the method steps relate to a screening method to identify a candidate drug for the development of a drug for the prevention and/or treatment of Alzheimer's disease. Likewise, the title of present application is also amended accordingly. Applicants respectfully request reconsideration and allowance in view of the amendments and discussion presented herein.

I. Rejections under 35 U.S.C. § 112, Second Paragraph

Claims 2 and 3 were rejected as being indefinite for recitation of the acronym "ACID." (Office Action, February 11, 2008, p. 3.) The Office Action states "[w]ithin the art the term AICD is known to stand for both 'APP intracellular C-terminal domains' and 'Apoptosis Induced Cell Death', so one of ordinary skill in the art would not be reasonably apprised of the metes and bounds of the claims." (*Id.*)

The Applicants respectfully submit that one of ordinary skill would not confuse the definition of AICD intended by the present specification. The present specification describes β APP or AICD (Specification, ¶¶ 3 and 58; FIG. 1.) The prior art of record further describes "intracellular C-terminal domains (AICD)" and "APP intracellular cleavage domain [AICD]." (*See, e.g.,* Alves da Costa et al. The Journal of Neuroscience, 26(23):6377 (Abstract), June 2006, and Chen et al. Journal of Cell Biology 163(1): 27 (2003), *respectively.*) Because a specification is written to one of ordinary skill in the art (MPEP § 608.01(g)), it is a reasonable to conclude that one of ordinary skill reading Applicants' specification would plainly understand AICD as an APP intracellular domain and not confuse AICD with "Apoptosis Induced Cell Death" as argued by the Office Action.

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Claims 2 and 3 were also rejected as being indefinite for omitting essential steps. Claim 2 is cancelled. Claim 3 is currently amended to further define additional active method steps for the claimed screening process. Support for these additional steps is found in at least paragraphs 108 and 126 of the publication of the present application.

Claims 2 and 3 were also rejected as being indefinite for the use of the term "inhibit." Again, because the specification and claims are written to one of ordinary skill (MPEP § 608.01(g)), it is reasonable to interpret "inhibit" with its ordinary meaning, which is to repress or restrain a function. (*See, e.g.,* Taber's Cyclopedic Medical Dictionary, 991 (1993) ("Inhibition").

Accordingly, Applicants respectfully request withdrawal of the rejections to claims 2 and 3 under 35 U.S.C. § 112, second paragraph.

II. Rejections under 35 U.S.C. § 112, First Paragraph

Claims 2 and 3 were also rejected as being a non-enabled single means claim, requiring undue experimentation and insufficiently supported as to the treatment or prevention of Alzheimer's disease. (Office Action, pgs. 5-11.) As noted above, claim 3 is amended to define additional active method steps and to clarify that the claimed method relates to a process for the identification of candidate drugs for the development of new options for the prevention and/or treatment of Alzheimer's disease.


It is respectfully submitted that the claimed screening method, as amended, is not directed to a method for the prevention and/or treatment of Alzheimer's disease, but to an initial screening process to identify candidate drugs that have the *potential* for development for treatment of Alzheimer's disease after further study. As amended, the claimed screening process includes additional, active method steps that provide sufficient guidance on how to perform the screening and selection of candidate drugs. It is respectfully submitted, therefore, that amended claim 3 is not a single means claim, does not require undue experimentation, and is plainly supported by the specification in at least ¶¶ 108 and 126.

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Accordingly, Applicants respectfully request withdrawal of the rejection to claim 3 under 35 U.S.C. § 112, first paragraph.

The Commissioner is hereby authorized to charge any additional fees which may be required with respect to this communication, or credit any overpayment, to Deposit Account No. 06-1135.

Respectfully submitted,
FITCH, EVEN, TABIN & FLANNERY

A handwritten signature in black ink, appearing to read 'Kendrew H. Colton', is written over a horizontal line.

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